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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/224,696	01/04/1999	CASSONDRA L. CROTTY	BU9.97.226	3386

7590

03/13/2003

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EXAMINER

HARRISON, CHANTE E

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/224,696

Applicant(s)

CROTTY ET AL.

Examiner

Chante Harrison

Art Unit

2672



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-10,12-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-10,12-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2672

**DETAILED ACTION**

1. This action is responsive to communications: Amendment C, filed on 12/23/02.

***This action is made FINAL.***

2. Claims 1-2, 4-6, 8-10, 12-14, 16-20 are pending in the case. Claims 1-2, 5-6, 9-10 and 13-14 are independent claims.

Examiner withdraws the previous advisory and final rejection. Due to further consideration the following office action is issued.

***Specification***

2. The amendment filed 8/16/01 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "mathematical matrix".

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 5-7, 9-11 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwuttke et al., U.S. Patent 6,222,547, 4/2001.

As per independent claim 1, Schwuttke discloses generating a grid based on a plurality of data values (col. 6-7, ll. 63-5), associating each data value with a geometric shape according to a predetermined set of rules (col. 6, ll. 29-34; col. 7, ll. 10-27), placing the shapes on the grid (col. 7, ll. 20-24) and displaying visual and geometric information placed on the grid in graphical form (FIGS. 4-7).

As per independent claim 2, Schwuttke discloses identifying a plurality of numerical attributes associated with each data value (FIG. 2; col. 6, ll. 8-29; col. 7, ll. 3-5, 11-18) and associating each numerical attribute with a visual attribute (col. 7, ll. 3-5, 11-18). The rejection as applied to claim 1 is included herein.

As per independent claim 3, Schwuttke discloses extracting a plurality of data values associated with a matrix (FIG. 7; col. 6-7, ll. 63-5) from the geometric representation (FIGS. 4 & 5). The rejection as applied to claim 1 is included herein.

As per independent claims 5 and 9, Schwuttke discloses a computer usable medium having code for implementing the method of claim 1 (col. 5, ll. 37-45). Thus the rejection as applied to claim 1 is included herein.

As per independent claims 6 and 10, Schwuttke discloses a computer usable medium having code for implementing the method of claim 2 (col. 5, ll. 37-45). Thus the rejection as applied to claim 2 is included herein.

As per independent claims 7 and 11, Schwuttke discloses a computer usable medium having code for implementing the method of claim 3 (col. 5, ll. 37-45). Thus the rejection as applied to claim 3 is included herein.

As per independent claim 13, Schwuttke discloses a storage device having instructions for implementing the method of claim 1 (col. 5, ll. 37-45). Thus the rejection as applied to claim 1 is included herein.

Art Unit: 2672

As per independent claims 14, Schwuttke discloses a storage device having instructions for implementing the method of claim 2 (col. 5, ll. 37-45). Thus the rejection as applied to claim 2 is included herein.

As per independent claims 15, Schwuttke discloses a storage device having instructions for implementing the method of claim 3 (col. 5, ll. 37-45). Thus the rejection as applied to claim 3 is included herein.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 8, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwuttke et al., U.S. Patent 6,222,547, 4/2001, 345/440.

As per dependent claims 4, 8, 12 and 16, Schwuttke fails to disclose a conductance matrix. However it would have been obvious to one skilled in the art to use the teachings of Schwuttke because he graphically displays electrical data in a matrix (col. 7, ll. 23 et seq.; FIGS. 2 & 4; col. 6, ll. 8 et seq.).

### ***Response to Arguments***

1. Applicant's arguments filed 6/18/02 have been fully considered but they are not persuasive.

Applicant argues (pg. 2, section a1) that Schwuttke fails to disclose generating a grid based on a plurality of data values. Schwuttke teaches generating a grid (Fig. 11 '66'; col. 12, ll. 25-31) that displays objects representative of a plurality of telemetry data representing nominal values (Fig. 2; col. 7, ll. 10-15).

Applicant argues (Reply: pg. 2, section a2, Technical Declaration: section 20) that Schwuttke fails to disclose extracting a plurality of data values associated with a mathematical matrix to generate a geometric representation. Schwuttke teaches obtaining telemetry representing a plurality of data values. The telemetry data is associated with a mathematical matrix because it is displayed in a row/column format. The telemetry data is used to generate and display a grid (Fig. 11 '66'; col. 12, ll. 25-31) having objects of varying shapes (Fig. 5A; col. 12, ll. 30-35) that are representative of specific telemetry data values (col. 7, ll. 10-18). The grid created is representative of the claimed "geometric representation".

Applicant argues (Reply: pg. 2, section b) Examiner has not pointed out where the prior art discloses the claimed features. The applied 102 rejection relates a specific portion of the Schwuttke et al. reference that applies to each claim feature.



Applicant argues (Reply: pg. 2, section c) Examiner has used words different from those in the rejected claims and has failed to relate the words used to those words used in the claims. Examiner does not know to which words the Applicant is referring.

Applicant argues in the Technical Declaration (pg. 4, section 11) that Schwuttke fails to disclose visualization of a mathematical representation in grid or matrix form. Schwuttke teaches a mathematical representation in grid form because he displays in a grid telemetry data (i.e. math/data values) (refer to the cited portions of Schwuttke in the above arguments).

Applicant argues in the Technical Disclosure (pg. 4, sections 12 & 14) that the purpose and function of the Applicants invention differs from Schwuttke et al. Examiner agrees that the purpose and function of the claimed invention differs from the prior art, however the claims as written do not distinguish the Applicant's invention over the Schwuttke reference.

Applicant argues in the Technical Disclosure (pg. 4, sections 13, 15, 17 & 19) that the claimed grid is generated as a direct result of data values... Schwuttke teaches the same in that he generates a grid based on received telemetry data values. (refer to the cited portions of Schwuttke in the above arguments).

Applicant argues in the Technical Disclosure (pg. 4, section 16) that previous arguments referencing Fig. 5A of Schwutte as representing a grid having values and blocks of the grid are generated only where data is present, fail to support the Examiner's contention that Schwutte discloses generates a grid as a direct result of data values. Additionally, Applicant argues the grid must exist beforehand for data to be entered. To clarify the previous Examiner's argument, Schwutte specifies configuring the grid prior to generation of the grid (col. 6-7, ll. 62-10; col. 11, ll. 1-10). Schwutte generates the grid as a result of receiving data values (col. 12, ll. 25-35) as the well as repositioning data values in the grid based on user specification (col. 11, ll. 10-25) as his system can operate in both real-time and non real-time mode.

Applicant argues (Technical Declaration section 18) the Examiner's statement "Schwutte distinctly discloses (col. 6-7 et seq.) the grid being formed as a result of object classification" does not identify the Applicant's invention in the Schwutte disclosure. Examiner cannot locate this statement in the previous Office Action. Additionally, the portions of Schwutte which are relative to the claimed features are referenced in the applied rejection.

Applicant argues in the Technical Declaration (pg. 6, section 19) that the claimed grid is defined at coordinates where data is located, which is not a claim feature of the present application.

Art Unit: 2672

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2672

**Conclusion**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chante Harrison whose telephone number is (703) 305-3937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ch  
March 10, 2003

*Jeffrey A. Brui*  
JEFFERY A. BRUI  
PRIMARY EXAMINER